

**ADDABBO • GREENBERG
LAW**

**TODD D. GREENBERG
DOMINIC L. ADDABBO ***

**GRACE ADDABBO GAMBINO
CAITLIN N. YOUNG****

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***NY & FLA BAR
NY & NJ BAR

February 24, 2021

Via: E-mail nmcfarland@bop.gov

MDC Legal Bureau
80 29th Street
Brooklyn, NY 11232

Attn.: Ms. Nicole McFarland, Esq.

RE: Inmate: Carmine Anthony Simpson
Register #: 27589-509

Dear Ms. McFarland:

Please be advised this office represents inmate Carmine Anthony Simpson.

I write in complete desperation to bring to your attention the intolerable jail conditions that are endangering the physical and mental welfare of Mr. Simpson, while in Protective Custody.

On February 16, 2021, I brought to the MDC Legal Bureau's attention an issue with Mr. Simpson with regard to him not being able to place any telephone calls and the conditions of "Protective Custody" (see attached).

In an e-mail dated February 17, 2021, you forwarded my letter to a "executive assistant who can provide a response..." On February 18, 2021, this office received what seemed to be a stock answer that "Mr. Simpson has full access to use the computer as long as he submits a request to staff", completely ignoring my previous letter that he was making such submissions to staff and still has not made a call. (See attached)

On February 23, 2021, I had a legal video meeting with Mr. Simpson. Here are the issues I want to bring to your attention:

1. Since his incarceration (26 days in Protective Custody) Mr. Simpson has been in his cell 24 hours a day and has not had any contact with family members and is in solitary confinement.
2. He has requested at least thirty times and submitted 30 pieces of paper to officers to place his family members and attorney on the contact list which have been ignored. He has even seen officers on occasion crumble up the paper and throwing it out right in front of him. To date, this 26-year-old inmate has not yet spoken to his parents and in this interview expressed extreme mental distress which, in turn, gives me great concern for his safety.
3. He has also requested psychiatric counseling which he has not yet received.
4. On numerous occasions he has been told by officers, when requesting "cop-outs" or submitting the paper to place his family members on the contact list, that its "someone else's job".
5. He has no shower nor hot water for at least one week and is still wearing the same prison outfit he received on day 1.
6. His lights are on 24/7 and he cannot sleep.
7. He is receiving cold microwaved food.
8. He has moved cells 3 times, and each time the cell that he moved into is filthy and unclean.
9. Guards are not wearing masks nor is the area properly sanitized.
10. Not only is his family not on the call list but I, his attorney, am not on his calling list and the lack of contact is interfering with his right to counsel. (Indeed, there is no list of contacts).

As stated in my original letter, Mr. Simpson is in an area of the jail that is set aside for those prisoners in administrative detention, yet he has violated no rules justifying that he be placed there.

He is being denied contact with his family, contact with his lawyer, hot showers, hot food, clean clothes and is forced to live in solitary confinement, in a cell with no windows, and the lights on 24/7, where COVID protocols are not being followed.¹

¹ According to the letter dated February 24, 2021 pursuant to Administrative Order number 2020-14 there are 382 inmates who tested positive for COVID, 111 staff members who tested positive for COVID and 13 inmates in isolation. Upon information and belief, those inmates in isolation may be on the same floor as

His rights as an inmate are being severely violated and I hope that this letter will trigger a review so that Mr. Simpson can receive the basic necessities and proper attention.

I understand that he is in jail, but the conditions are intolerable, cruel, and inhuman.

Mr. Simpson needs to have contact with his family immediately.

Thank you for your prompt attention and consideration in this matter.

Very truly yours,

ADDABBO & GREENBERG

/s/Todd D. Greenberg
Todd D. Greenberg, Esq.

TDG/id

the inmate herein. Further, the report failed to note that a prisoner recently died of COVID. Further, there has been a 36% increase in inmates testing positive since the last report two weeks ago.

Todd Greenberg

From: Nicole McFarland <nmcfarland@bop.gov>
Sent: Wednesday, February 17, 2021 6:19 AM
To: Michael Cardew; Sophia Papapetru; Inez Diaz
Cc: BRO/ExecAssistant~@bop.gov; Todd Greenberg
Subject: RE: CARMINE ANTHONY SIMPSON / Register Number: 27589-509
Attachments: Ltr-MDC 02-16-21.pdf

I am forwarding this to the executive assistant who can provide a response to this.

nicole

>>> Inez Diaz <Inez@queenslaw.com> 2/16/2021 3:54 PM >>>

Dear Sir/Madam:

Attached herein please find a letter bringing to your attention an issue Mr. Simpson is having with regard to telephone calls and protective custody.

Sincerely,

Inez Diaz | Paralegal

ADDABBO & GREENBERG

118-21 Queens Blvd. Suite 306 | Forest Hills, NY 11375

Tel: 718-268-0400 | Fax: 718-575-9869 | www.addabboandgreenberg.com

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"Life moves pretty fast. If you don't stop and look once in a while, you might miss it."

Todd Greenberg

From: Inez Diaz
Sent: Thursday, February 18, 2021 12:14 PM
To: Todd Greenberg
Subject: FW: CARMINE ANTHONY SIMPSON / Register Number: 27589-509

Categories: SIMPSON-CARMINE

FYI

Sincerely,

Inez Diaz | Paralegal
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From: BRO-ExecAssistant-S <BRO/ExecAssistant~@bop.gov>
Sent: Thursday, February 18, 2021 7:42 AM
To: Inez Diaz <Inez@queenslaw.com>
Subject: RE: CARMINE ANTHONY SIMPSON / Register Number: 27589-509

Good morning. Due to his current housing unit he is allowed a limited amount of phone calls a month. Additionally, legal calls can be scheduled at nys_mdccemail@fd.org. Mr. Simpson has full access to use a computer as long as he submits a request to staff. Additionally, psychologists are available when he wishes to speak with them. I hope I have addressed your concerns.

>>> Nicole McFarland 2/17/2021 6:19 AM >>>

I am forwarding this to the executive assistant who can provide a response to this.

nicole

>>> Inez Diaz <Inez@queenslaw.com> 2/16/2021 3:54 PM >>>

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